



PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 2

Application Number	10/712,126
Filing Date	November 13, 2003
First Named Inventor	Kazuhisa Yamamoto et al.
Art Unit	2828
Examiner Name	Dung T. Nguyen
Attorney Docket No.	YAO-3750US4

**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/  
Incomplete Application
  - ☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
  - ☐ Landscape Table on CD

- ☐ After Allowance Communication  
to TC
- ☐ Appeal Communication to Board  
of Appeals and Interferences
- ☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply  
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please  
identify below): Response to  
Election of Species

**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name	RatnerPrestia		
Signature			
Printed Name	Lawrence E. Ashery		
Date	January 30, 2006	Registration No.	34,515

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or Printed Name	Melissa Clemons	Date	January 30, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appln. No.: 10/712,126  
Amendment Dated January 30, 2006  
Reply to Office Action of December 30, 2005

YAO-3750US4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 10/712,126  
Applicant: Kazuhisa Yamamoto et al.  
Filed: November 13, 2003  
Title: OPTICAL DEVICE, LASER BEAM SOURCE, LASER APPARATUS AND  
METHOD OF PRODUCING OPTICAL DEVICE  
T.C./A.U.: 2828  
Examiner: Dung T. Nguyen  
Confirmation No.: 7681  
Docket No.: YAO-3750US4

**RESPONSE TO ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

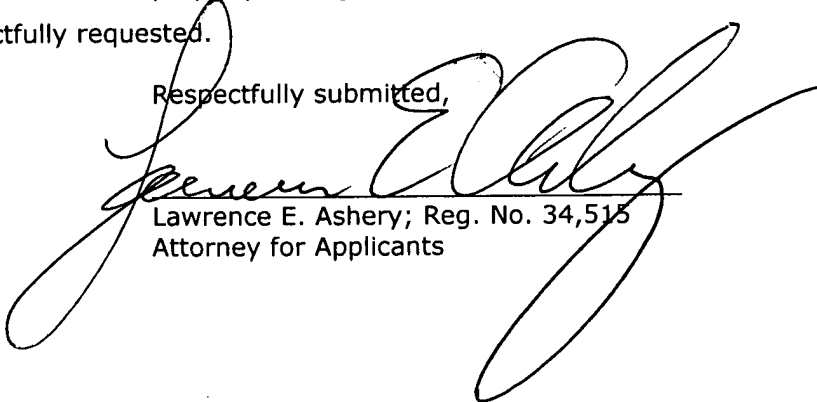
This is in response to the Election of Species of **December 30, 2005**.

Applicants elect the claims of Species III, claims 81, 86, and 90.

This election is made with traverse because claim 81 is generic to all of the claims of Species I, II and III.

This election is also made with traverse because of an error in the election requirement - claim 85 is missing. Claim 85 properly belongs in Species III.  
Examination of claim 85 is respectfully requested.

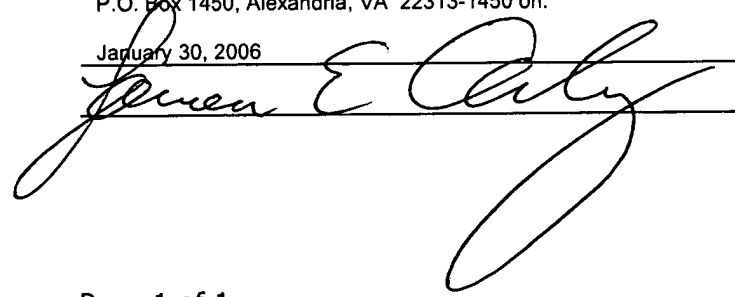
Respectfully submitted,

  
Lawrence E. Ashery; Reg. No. 34,515  
Attorney for Applicants

LEA/mc  
Dated: January 30, 2006  
P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 30, 2006  


MC\_I:\YAO\3750US4\013006 REST RESP.DOC